Town and Country Planning (Development Management Procedure) (England) Order 2015

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2025/70/93412/W

To: Rebecca Booth,
Holme Planning Partnership
49, Hanson Road
Meltham
Holmfirth
HD9 5LR

For: Fiona Smith, Helme Edge Vineyard

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

VARIATION OF CONDITION 3 (OPENING HOURS) ON PREVIOUS PERMISSION 2024/90421 FOR ERECTION OF SINGLE STOREY ANCILLARY STORE/OFFICE ACCOMMODATION/TOOL SHED/TOILET/KITCHEN FACILITIES/TASTING ROOM TO EXTEND THE HOURS OF USE

At: HELME EDGE FARM, 31, CROSLAND EDGE, MELTHAM, HOLMFIRTH, HD9 5RS

In accordance with the plan(s) and applications submitted to the Council on 09-Dec-2025 together with those plans and application(s) submitted to the Council on 11-Mar-2024 and incorporated into planning permission 2024/90421 granted on 06-Sep-2024 and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, to preserve the openness of the Green Belt and to accord with Policies LP1, LP2, LP3, LP10, LP21, LP22, LP24, LP26, LP30 & LP52 of the Kirklees Local Plan and policies contained within Chapters 2, 4, 6, 9, 12, 13, 14, and 15 of the National Planning Policy Framework.

2. The premises, shall not be open for business including deliveries to or dispatches from the premises, outside the hours of 10:00 and 18:00 hrs Monday to Saturday. No activities shall take place on Sundays.
Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

3. Prior to the development being brought into use, the visibility splay sightlines indicated on drawing No 1001D submitted as part of application 2024/90421 shall be cleared of all obstructions to visibility exceeding 0.6 m in height and these shall be thereafter retained free of any such obstruction throughout the lifetime of the development.
Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

4. The development hereby approved shall be undertaken in accordance with the Car Park Management Plan submitted for the discharge of condition 5 of permission 2024/90421 submitted as part of application 2024/92881 and discharged by letter dated 2nd December 2024. The development shall be operated in accordance with the approved Car Park Management Plan for the lifetime of the development.
Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity and to accord with Policy LP21 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

5. The building hereby approved shall be used ancillary to Helme Edge Farm, 31 Crosland Edge, HD9 5RS in association with the adjacent vineyard.
Reason: In the interests of visual and residential amenity, and to preserve the openness of the Green Belt, as a different use falling outside of the approved store/office accommodation/tool shed/toilet/kitchen facilities/tasting room in association with the wine tasting business (Sui Generis) in such a rural area could result in an undue disturbance to the elements outlined above, and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12, 13 and 15 of the National Planning Policy Framework.

6. The development hereby approved shall be undertaken in accordance with the Operational Parking Scheme submitted for the discharge of condition 7 of permission 2024/90421 submitted as part of application 2024/92881 and discharged by letter dated 2nd December 2024. The development shall not be brought into use until the approved scheme has been implemented. The use shall thereafter be undertaken and operated in accordance with the approved scheme.
Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity and to accord with Policy LP21 of the Kirklees Local Plan and policy within Chapter 9 of the National Planning Policy Framework.

7. The building hereby approved shall be constructed from the materials of construction set out in the submitted application form and demonstrated upon drawing ref: 23_811 100 submitted as part of application 2024/90421 and retained thereafter.
Reason: In the interests of visual amenity and the Green Belt to accord with policy LP24 of the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type as part of application 2024/90421	**Reference**	**Web ID**	**Date Received**
As Proposed_Floor Plans + Elevations	23_811 100	-	28th May 2024
As Proposed_Site Sections/Context Elevations	23_811 101	A	28th May 2024
As Proposed_Part Site Plan	23_811 102	B	28th May 2024
As Proposed_Site + Location Plan	23_811 103	A	28th May 2024
As Proposed_Service Vehicle Swept Path Plan	23_811 104	A	28th May 2024
As Proposed_Drainage Plan + Location Plan	23_811 105	-	13th May 2024
Design_Heritage Statement – Supporting Information	-	-	14th February 2024
Letter from E.S.Dyson & Sons – Supporting Information	-	-	11th March 2024
Operational Parking Statement – Supporting Information	-	-	11th March 2024
Email from Mr Stuart Golding (Septic Tank) – Supporting Information	-	-	13th May 2024
Planning Statement – Supporting Information	-	-	14th February 2024
Foul Drainage Assessment Form – Supporting Information	-	-	14th February 2024
Climate Change Statement – Supporting Information	-	-	20th February 2024
Highways Technical Note from TPS Transport Consultants Ltd – Supporting Information	-	-	3rd July 2024

Plan Type as part of application 2024/90421	Reference	Web ID	Date
Location plan	23_811_103 A	-	10/12/2025
Planning Statement	-	-	10/12/2025
Helme Edge Vineyard Neighbour Support Letters	-	-	16/12/2025
Application form	-	-	10/12/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. The agent was contacted due to concerns over the impact that changing the condition and extending hours of operation would have to the adjacent neighbour in terms of noise. The agent responded about limiting operation to Bank Holidays.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**
- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**
- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 03-Feb-2026

Signed: 

David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2025/70/93412/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL